

## THIRD DIVISION

**[ A.M. No. P-13-3102 [Formerly OCA I.P.I. No. 07-2562-P], September 08, 2014 ]**

**JOSE S. VILLANUEVA, COMPLAINANT, VS. ATTY. PAULINO I. SAGUYOD, CLERK OF COURT VI, REGIONAL TRIAL COURT, BRANCH 6, PANIQUI, TARLAC, RESPONDENT.**

### DECISION

**PERALTA, J.:**

This resolves the Complaint<sup>[1]</sup> dated March 23, 2007 filed by Jose S. Villanueva against Atty. Paulino I. Saguyod, Clerk of Court VI, Branch 67, Regional Trial Court (RTC), Paniqui, Tarlac charging the latter with violations of the *Code of Conduct for Court Personnel and of Section 4 (e), Republic Act (RA) No. 6713, otherwise known as the Code of Ethics for Public Officials and Employees*.

The facts, as found by the Office of the Court Administrator (OCA), follow.

Complainant alleged as follows:

x x x on February 20, 2007, he received a text message from Atty. Lavezares Leomo, his employer, instructing him to get a certified photocopy of a Petition relative to Land Case No. 051-06 entitled "*Petition for the Issuance of a Second Owner's Duplicate Copy of Transfer Certificate of Title (TCT) of Arnel D. Morales*." On or about 8:45 in the morning of that same day, Ms. Rosalie D. Sarsagat, the assigned stenographer of the same court, advised him to return after thirty minutes because the custodian of the records is not yet around. Immediately following the lapse of that period, complainant was informed that the records being requested were in the custody of respondent but must talk to his wife, Mrs. Judith Saguyod, in order to secure the requested pleading. Complainant found out that respondent's wife likewise holds office in the room of respondent although she is not an employee of the said court.

Complainant alleges that when he respectfully asked for a photocopy of the pleading, respondent inquired whether he has a Special Power of Attorney authorizing him to get such photocopy. Complainant showed him the text message he received from Atty. Leomo. However, respondent's wife interrupted them and called a certain person at the Register of Deeds of Tarlac whom she asked whether complainant is allowed to be given a copy of the Petition being requested. At the end of their conversation, the wife said, "*Huwag ka raw naming bibigyan ng kopya ng Petition ni Arnel D. Morales*."

In the course of their dialogue, respondent told complainant: "*Pinalusot ko na nga yung pinitisyon mong apat (4) na loss (sic) title, ganiyan ka pa makipag-usap sa amin.*" Complainant answered back and said, "*Anong kinalaman, Sir, noong pinitisyon kong loss (sic) title, eh iniutos sa akin ng boss ko na ikuha ko siya ng kopya ng certified photocopy, at wala naman po akong ilegal na transaction na ginawa.*" Upon hearing this reply, respondent stood up in his chair and challenged complainant to a fistfight while shouting this (sic) words: "*Punyeta ka! Mayabang ka. Ano lalaban ka.*" Complainant calmly said, "*Di ako lalaban, Attorney, kung ayaw mong magbigay ng kopya. Yon na lang sasabihin ko kay Atty. Leomo.*" Respondent angrily told complainant, "*Tarantado ka. Mayabang ka. Di mo ako kilala kung sino ako dito.*" Complainant politely replied, "*Alam ko po na ikaw ang Clerk of Court dito.*"

In order to avoid further arguments, complainant went out of the room and proceeded to the parking area. Respondent blocked his way and shouted, "*Taga Paniqui ka, taga Victoria ako. Suntukan na lang tayo.*" Complainant replied, "*Hindi ako lalaban sa'yo, Attorney.*" Respondent retorted, "*Sino ang pinagmamalaki mo, si Atty. Leomo, shit sino ba siya dito?*" Complainant answered him, "*Wala akong ipinagmamalaki, Attorney. Siya lang ang nag-utos sa akin para kumuha ng kopya ng petition ni Mr. Arnel Morales.*"

Complainant realized that this boorish attitude displayed by respondent was an act of vengeance because he failed to give the balance of One Thousand Five Hundred Pesos (P1,500.00) as payment for the Certificate of Finality he issued relative to Land Case Nos. 021-P06 and 020-P06. Apparently, the four (4) lost titles which respondent is referring when he said, "*pinalusot lang niya ito*" pertains to the land case he initiated by virtue of the Special Power of Attorney given to him by Mrs. Charlotte Antaran. The said Petition had not been acted upon for nine months from the time it was filed on May 26, 2006 even though there is a Presiding Judge who will sign the Order commanding the Register of Deeds of Tarlac to issue the owner's duplicate certificate of title. When complainant followed up the issuance of such Order with Mrs. Rosalie Sarsagat, the latter answered, "*Hindi pipirmahan ni Atty. Saguyod ang Certificate of Finality kapag hindi ka nagbayad ng tatlong libong piso (P3,000.00).*" To prevent further delay of the release of the Order, complainant gave an advance payment One Thousand Five Hundred Pesos and promised to pay the remaining balance later. Respondent Clerk of Court replied angrily, "*Marami na akong narinig na pangakong ganyan pero di na bumabalik para magbayad.*" Complainant answered him "*Please, lang Attorney, give me a chance.*" Respondent Clerk of Court stood up and said, "*Siguruhin mo lang. Sige, gagawin ko na. Antayin mo na lang.*" After thirty minutes, Ms. Rosalie D. Sarsagat handed the Certificate of Finality and Order dated January 5, 2007, duly signed by Judge Arsenio P. Adriano. Automatically, complainant paid One Thousand Five Hundred Pesos to Mrs. Rosalie D. Sarsagat and demanded for a receipt but the latter replied that a receipt is not being issued in this kind of transaction. She further retorted, "*Gusto mo bang bawiin pa ni Atty. Saguyod ang mga dokumentong 'yan?*"

Such acts of respondent contravened Section 4(e) of R.A. 6713 and Section 2, Canon IV of the New Code of Conduct for Court Personnel. Complainant also claims that respondent violated Section 4, Canon I of the Code of Conduct for Court Personnel when he allowed his wife to use the Office of the Clerk of Court as the office of her real estate transaction. Complainant posits that in this scenario a conflict might arise between respondent's official duty and his wife's business dealings.

[In his Comment dated April 27, 2007, respondent denied the charges against him and claimed that:]

x x x he did not give a copy of the Petition being requested because complainant did not present a Special Power of Attorney showing his purpose and authority to get such photocopy. He could not rely on the text message received by complainant because he doesn't know the phone number of Atty. Leomo. In fact, it is the policy of the court to require a written authority whenever a similar request is made. To his dismay, however, complainant answered back, "*E, di sasabihin ko kay Atty. Leomo na ayaw mo. Eto nga yung text niya.*" Upon seeing respondent's wife who happened to drop by his office to remind him to pick up their daughter from school, complainant rudely said, "*Porke ba hawak ng asawa mo yan kaya ayaw mong magbigay.*" Seeing that his wife was offended, he patted and pushed complainant and emphatically said, "*Pati babae pinapatulan mo.*"

According to the guard on duty, complainant continued to hurl threatening words against him even when he was already outside the building. The guard reported the matter to him, hence, he went outside to confront [the] complainant. At that moment, complainant said to him, "*Dayo ka lang dito sa Paniqui*" to which respondent Clerk of Court replied, "*E ano ngayon kung taga-Paniqui ka at taga-Victoria ako?*" Nonetheless, to avoid any untoward incident, he returned to his office.

Respondent denies that his wife holds office in the Office of the Clerk of Court. He points out that complainant has no evidence to prove such charge. He explains that on that day, his wife had just passed by his office to tell him to fetch their seven-year old daughter from school. Although he admits that once in a while, his wife would drop by his office to see and talk to him – an act that is not prohibited by any law, rules or regulations. Respondent also clarifies that his wife is not a real estate agent but only a person who facilitates the processing and transfer of certificates of title of subdivision lots. Hence, his wife has nothing to do with his refusal to give complainant a copy of the petition.

Respondent explains that Land Case No. 021-06 and 022-06 were approved only after nine months from the time they were filed because then Judge Cesar M. Sotero retired on (sic) February 2006, while Judge Arsenio P. Adriano who succeeded him assumed his office as Presiding Judge of Regional Trial Court (RTC), Branch 63, Tarlac City only on (sic) September 2006. Moreover, complainant was also required by the court to present other supporting documents like the original copy of the Deed

of Absolute Sale in his Petition.

Respondent admits that he instructed Rosalie Sarsagat to tell complainant that he has to pay the proper fees for reception of evidence as required under Section 21(e), Rule 141 of the Rules of Court and the Department of Justice (DOJ). He did not personally ask complainant to pay those fees because the latter might misconstrue it and use it against him.<sup>[2]</sup>

In a Resolution<sup>[3]</sup> dated October 1, 2007, the Court referred the instant administrative complaint to the Executive Judge of the RTC of Paniqui, Tarlac for investigation, report and recommendation. Forthwith, the records of the case were transmitted to Executive Judge Liberty O. Castañeda in a letter<sup>[4]</sup> dated November 9, 2007.

In her Reports and Findings<sup>[5]</sup> dated March 26, 2011, Judge Castañeda recommended that the complaint against respondent be dismissed for lack of merit.

However, in a Resolution<sup>[6]</sup> dated September 12, 2011, the Court nullified Judge Castañeda's Reports and Findings, considering that she made the same while she was under preventive suspension from office. Thus, the Court referred the administrative complaint to Acting Presiding Judge Alipio C. Yumul, Branch 67, Paniqui, Tarlac for investigation, report and recommendation.<sup>[7]</sup>

In his Report<sup>[8]</sup> dated February 7, 2012, Judge Yumul recommended that the case be dismissed.

In a Resolution <sup>[9]</sup>dated June 18, 2012, the Court referred said Report to the OCA for evaluation, report and recommendation.

In its Memorandum<sup>[10]</sup> dated October 5, 2012, the OCA recommended as follows:

IN VIEW OF THE FOREGOING, it is respectfully recommended to the Honorable Court that:

1. the present administrative case against respondent Atty. Paulino I. Saguyod, Clerk of Court VI, Branch 67, Regional Trial Court, Paniqui, Tarlac be **RE-DOCKETED** as a regular administrative matter: and,
2. respondent be: (a) **ADMONISHED** for Violation of the Code of Conduct for Court Personnel and of Section 4(e) of Republic Act No. 6713, otherwise known as the Code of Ethics for Public Officials and Employees, and **WARNED** that a repetition of [the] same or similar act will be dealt with severely in the future; and, (b) **SUSPENDED** from the service for one (1) month and one (1) day for simple misconduct for demanding from complainant the amount of P3,000.00 as commissioner's fee and appearance fee in Land Case Nos. 021-P06 and 020-P06.<sup>[11]</sup>